

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

GF INDUSTRIES OF MISSOURI, LLC,	:	Case No.: 5:22-cv-227-JFL
Plaintiff,	:	
v.	:	
LEHIGH VALLEY GENOMICS, LLC,	:	
Defendant.	:	

**STIPULATION OF DISMISSAL OF COUNT TWO OF DEFENDANT’S
COUNTERCLAIM**

Plaintiff GF Industries of Missouri, LLC (“GFIM”) and Defendant Lehigh Valley Genomics, LLC (“LVG”), by and through their respective counsel and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) & 41(c), hereby stipulate and agree to the dismissal of Count Two of Defendant’s Counterclaim against Plaintiff. The parties state as follows:

1. LVG filed an Answer and Counterclaim to GFIM’s Complaint on March 23, 2022. *See* ECF Docket No. 8.
2. In its Counterclaim, LVG asserted claims for attorney fees pursuant to the parties’ agreement (Count One) and for breach of contract (Count Two).
3. After careful consideration, LVG now seeks to voluntarily dismiss Count Two of its Counterclaim as more specifically set forth in paragraphs 6-11, 13, and 16-18 of the Counterclaim.
4. LVG has not previously dismissed any Federal or State Court suit based on or including the same claims as those presented in this case.
5. This dismissal is without prejudice, subject to the provisions of Fed. R. Civ. P. 41(d).

Accordingly, the Parties now jointly enter this Stipulation of Dismissal.

Respectfully submitted,

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Dated: February 21, 2023

GF INDUSTRIES OF MISSOURI, LLC, : Case No.: 5:22-cv-227-JFL
Plaintiff, :
v. :
LEHIGH VALLEY GENOMICS, LLC, :
Defendant. :

ORDER

AND NOW, this _____ day of February 2023, upon consideration of the foregoing Stipulation Of Dismissal Of Count Two Of Defendant's Counterclaim, the Court hereby **APPROVES** the Stipulation.

SO ORDERED:

JOHN F. MURPHY
United States District Judge